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UNITED STATES COURTS

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WASHINGTON, D.C. 20544

October 7, 2005

**MEMORANDUM TO ALL: JUDGES, UNITED STATES BANKRUPTCY COURTS
CLERKS, UNITED STATES BANKRUPTCY COURTS
BANKRUPTCY ADMINISTRATORS**

SUBJECT: Criminal Referrals Pursuant to 18 U.S.C. §§ 158 and 3057 (INFORMATION)

As noted in my memorandum dated September 16, 2005, the 2005 Bankruptcy Act imposes a new duty on bankruptcy courts to establish procedures to report a "materially fraudulent statement in a bankruptcy schedule." See, 18 U.S.C. § 158(d).

In fulfilling this new duty, the Administrative Office anticipates that most courts will adapt and formalize existing procedures for reporting bankruptcy crimes under 18 U.S.C. § 3057. Courts that have not already established procedures to refer bankruptcy crimes may find the attached "Notification Statement" of some help as a starting point for complying with the requirements of 18 U.S.C. §§ 158(d) and 3057.

A handwritten signature in black ink, reading "Leonidas Ralph Mecham".

Leonidas Ralph Mecham

Attachment

United States Bankruptcy Court for the _____ District of _____.

NOTIFICATION STATEMENT

TO: _____ POSITION: _____

FROM: _____ POSITION: _____

DATE: _____ SIGNATURE OF PREPARER _____

PREPARER'S POSITION _____

1. Basis for Notification and Possible Estate loss:

a. Suspected violation of 18 U.S.C. Section:
152(); 153(); 154(); 155(); 156(); 157();
1341(); 1342(); 1343(); 1344()

b. Other suspected criminal violation _____

c. Possible Estate Loss \$ _____ Other _____

2. Subject of Notification:

- a. () Debtor (principal/responsible person)
- b. () Trustee
- c. () Professional (Specify Title) _____
- d. () Claimholder/Equity Security Holder
- e. () Public Official
- f. () Other _____

3. Background Information:

a. Name of debtor's case: _____

Case number/district: _____

Debtor's address: _____

Telephone numbers: _____

b. Case Chapter: 7 (); 11 (); 12 (); 13 ();
Nature of Case: Voluntary (); Involuntary ()

c. Debtor's attorney: _____
Attorney's address: _____
Telephone: _____

d. Name of trustee: _____
Appointment date: _____
Trustee's address: _____
Telephone: _____

e. Petition and schedules attached for lists of claimholders, debts, assets, exempt property, and other information:
Yes () No ()

f. If chapter 7 case, Sec. 705 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons: _____

g. If chapter 11 case, Sec. 1102 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons: _____

h. Other information regarding the debtor's case:

4. Circumstances Relating to Suspected Violation of Chapter 9 of Title 18, United States Code, or other Laws of the United States Relating to the Debtor's Case

a. Name of subject of notification: _____
Subject's address: _____
Telephone numbers: _____

Other identification information: _____

- b. Report all facts and circumstances of the case, the names of witnesses, and the offense or offenses believed to have been committed (provide as complete a description as possible) by:
- (1) Providing a full and complete account of the suspected violation.
 - (2) Providing the names, addresses, and telephone numbers of persons with knowledge of and information relating to suspected offense.
 - (3) Indicating, (based on available information) whether the suspected offense relates only to a single incident in a debtor's case or whether the suspected offense relates to multiple transactions/bankruptcies.
 - (4) Indicating whether the subject of the notification has been the subject of a prior notification and, if so, relating the relevant circumstances surrounding the earlier notification.
 - (5) Disclosing other pertinent information.